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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,468

11/22/2006

David Daly

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BLANK ROME LLP

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,468	Applicant(s) DALY ET AL.	
	Examiner Christopher S. Kim	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/06; 2/4/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

- the “pressurized source of water” recited in claim 1;
- the “hand operated valve” recited in claim 1;
- the “cross-sectional area of the outlet nozzle is substantially less than that of the hose and/or the opening in communication with the hose” recited in claim 2;
- the “cross-sectional area of the outlet nozzle is less than one half that of the hose” recited in claim 3;
- the “chamber” recited in claim 6;
- the “valve is operated manually by a trigger” recited in claim 7;
- the “valve is resiliently biased to its closed position” recited in claim 8;
- the “hose wall is reinforced with metallic wire or filaments” recited in claim 11;
- the “removable cover” recited in claim 12 (although the disclosure alleges to show a removable lid 8, no lid or cover can be ascertained in the drawings);
- the “collar” recited in claim 13; the “hose is corrugated” recited in claim 14;
- the “pipe connected to a mains supply to a building” recited in claim 15;

- the "elevated holding tank positioned within a building" recited in claim 16;
- the "mechanically driven pump" recited in claim 17;
- the "pipe" recited in claims 15-18

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification does not have a section " BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S)."

Claim Objections

3. Claim 13 is objected to because of the following informalities: in line 2, the period after "a" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the housing" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the cross-sectional area" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the cross-sectional area" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In claim 10, the recitation "rubber-like" renders the claim indefinite. Neither the specification nor the claims provide the metes and bounds of the term "rubber-like."

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10, 12, 13, 15, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Soss (2,584,631).

Soss discloses a spray apparatus comprising:

- a spray head 2, 29, 30;
- a water hose (column 5, line 51);
- a pressurized source of water (inherent);
- the spray head 2, 8 including:
 - a casing 29 formed with an opening 37;
 - an outlet nozzle 3;
 - a housing 30;
 - a hand operated valve 40.

8. Claims 1-7, 9, 10, 12, 15, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (4,171,169).

Williams discloses a spray apparatus comprising:

- a spray head 34;
- a water hose 26;
- a pressurized source of water 28;
- the spray head 34 including:
 - a casing 20 formed with an opening 52;
 - an outlet nozzle 56;
 - a housing 20;

a hand operated valve 24.

9. Claims 1-4, 7, 8, 9, 10, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Strahman (2,657,098).

Strahman discloses a spray apparatus comprising:

a spray head 10;

a water hose (column 3, line 13);

a pressurized source of water (inherent);

the spray head 34 including:

a casing 12 formed with an opening 21;

an outlet nozzle 17;

a housing 11;

a hand operated valve 24.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 11, 14, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soss (2,584,631), Williams (4,171,169) or Strahman (2,657,098).

Regarding claim 11, the prior discloses the limitations of the claimed invention with the exception of the hose wall being reinforced with metallic wire or filaments.

Hose wall reinforced with metallic wire or filaments is well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have reinforced the hose wall of Soss, Williams or Strahman to strengthen the hose.

Regarding claim 14, the prior discloses the limitations of the claimed invention with the exception of the external surface of the hose being corrugated. Corrugated hoses are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have used a corrugated hose in the device of Soss, Williams or Strahman for ease of routing and bending the hose.

Regarding claim 16, the prior discloses the limitations of the claimed invention with the exception of the elevated holding tank positioned within a building. Elevated holding tank in a building, especially in high rise buildings, is well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have supplied the water from an elevated holding tank in a building in the device of Soss, Williams or Strahman use in high rise buildings.

Regarding claim 17, the prior discloses the limitations of the claimed invention with the exception of the electrically or mechanically driven pump. An electrically or mechanically driven pump is well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have supplied the water using an electrically or mechanically driven pump in the device of Soss, Williams or Strahman for flowing water against gravity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. Kim/
Primary Examiner, Art Unit 3752

CK